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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b), |) | MM Docket No. 97-178 / |
| Table of Allotments, |) | RM-8329 |
| FM Broadcast Stations. |) | RM-8739 |
| (West Hurley and Rosendale, New York, |) | RM-10099 |
| North Canaan and Sharon, Connecticut) |) | |

TO: Chief, Allocations Branch

COMMENTS OF ERIC P. STRAUS

Eric P. Straus, by his attorney, hereby submits the following comments in response to the Commission's Public Notice of April 26, 2001, inviting comments on a counterproposal advanced by the State University of New York ("SUNY") in Docket No. 97-178:

1. By Report No. 2480, released April 26, 2001, the Commission invited comments on a counterproposal advanced by the State University of New York in Docket No. 97-178. The counterproposal is complex but, so far as is pertinent here, it contemplates the substitution of Channel 255A at Rosendale, New York.

2. There are currently a number of mutually exclusive applications on file for a construction permit for Channel 273A at Rosendale. Mr. Straus is one of the applicants.

3. In a Notice of Proposed Rules Making and Order to Show Cause, released August 15, 1997, the Chief, Allocations Branch, pointed out that if Channel 255A is substituted for Channel

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273A at Rosendale all of the applicants at Rosendale will have to amend their applications to specify new transmitter sites. In Comments filed under date of October 3, 1997, Straus opposed the substitution of Channel 255 for Channel 273 at Rosendale. Nothing has occurred which would change the position taken by Straus in those earlier filed comments. Those comments are, therefore, incorporated herein by reference as if a part hereof.

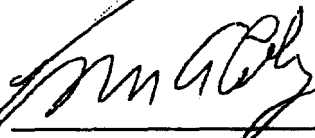
4. Given the number of applications which are already on file for Channel 273A at Rosendale, and the likelihood that this channel will eventually be auctioned and produce substantial revenues for the Treasury, SUNY would have to make a very strong showing to justify a channel substitution which would require all of the existing Rosendale applicants to change transmitter sites. SUNY has not made any such showing. Therefore, the channel substitution proposed in the SUNY counterproposal should be denied.

May 11, 2001

Respectfully submitted,

ERIC P. STRAUS

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By 

Lauren A. Colby
His Attorney

CERTIFICATE OF SERVICE

I, Traci Maust, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, this 11th day of May, 2001, to the offices of the following:

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